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Commonwealth of Massachusetts  
Division of Professional Licensure  
BOARD OF STATE EXAMINERS OF PLUMBERS  
AND GAS FITTERS

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UNDERSECRETARY OF  
CONSUMER AFFAIRS AND  
BUSINESS REGULATION

CHARLES BORSTEL  
COMISSPMER, DIVISION OF  
PROFESSIONAL LICENSURE

**SEPTEMBER 6, 2017 BOARD MEETING MINUTES**

MEMBERS	APPOINTMENT	PRESENT	ABSENT
Mr. Joseph McNamee	Member, Master Gas Fitter, Chairman	x	
Mr. Bahig A. Kaldas, P. E.	Member, Plumbing Engineer	x	
Ms. Sarah Badway	Consumer Member	x	
Joseph V. Waskiewicz	Member, Master Plumber	x	
Ms. Ruth Alfasso	Member, Dept. of Public Health	x	
Mr. John Cruz	Member, LP Installer	x	
Mr. Harold Knight	Member, Journeyman Plumber	x	
Mr. Dan Kilburn	Member, Public Safety	x	
VACANT	Member, Journeyman Gasfitter		x

**9:00 A.M. AGENDA REVIEW:** By Chairman Joseph McNamee

- Emergency Egress and Cell Phone Policy

**APPROVAL OF PREVIOUS MEETING MINUTES:**

- *The August 30, 2017 Board Meeting Minutes*

*A motion was made to approve by Mr. Ruth Alfasso, seconded by Mr. Joseph Waskiewicz*

*Condition(s): None*

*Result: Unanimous*

- *The August 30, 2017 Executive Session Minutes*

*A motion was made to approve by Ms. Ruth Alfasso, seconded by Mr. Joseph Waskiewicz*

*Condition(s): None*

*Result: Unanimous*



## **DISCUSSION(S)**

### **D1) Ted Pyles-Applicant for reinstating an expired Apprentice License**

**Notes.** Mr. Pyles brought in his current master and a letter from a former letter admitting that he was practicing without a license.

***A motion was made to reinstate a 3 year apprenticeship by Mr. Joseph Waskiewicz and seconded by Mr. Harold Knight***

***Condition(s): Open up a complaint and settle for \$100. 00 fine for apprentice for unlicensed practice and \$100. 00 fine for Master Plumber for aiding and abetting.***

***Result: Unanimous***

### **D2) Jesse Ahern-Applicant for reinstating an expired Apprentice License**

***Neither Mr. Ahern nor his master appeared despite notice.***

***A motion was made to Table the request by Mr. Joseph Waskiewicz and seconded by Mr. Harold Knight.***

***Condition(s): None***

***Result: Unanimous***

## **VARIANCES**

### **PV22 - MCDONALDS 472 BROADWAY - CHELSEA**

The Petitioner (Evan Scott) sought a variance from 248 CMR 10.10(18) to convert two non-ADA compliant gender segregated bathrooms into two unisex bathrooms, one of which will be ADA compliant. The bathrooms will serve a restaurant with 42 seats. The restaurant was advised by the town to make both bathrooms ADA compliant, but the Petitioner indicates that they are unable to do so due to space restrictions. The Chelsea Board of Health was properly petitioned.

***Meeting Notes: There are 42 seats in the dining area. There will be 8- 10 employees. Two ADA accessible restrooms will affect the size of the serving room which is already very small.***

***A motion was made to deny this request by Mr. Joseph Waskiewicz and seconded by Mr. John Cruz.***

***Condition(s): None***

***Result: 4 for – 3 against.***

### **PV23 - UMASS AMHERST – CHENOWORTH HALL - 360 CAMPUS WAY - AMHERST**

The Petitioner (Peter Radzim) requested a variance from 248 CMR 10.15 to add three handwashing sinks with deck mounted eyewash stations for a laboratory in which the sinks will be fed with tempered water piping from a tempered water loop located on the fourth floor and to pipe waste to a special lab waste system in lieu of the regular waste system. As this is a state project, no Board of Health petitioning is required.

***Meeting Notes: The petitioner stated that this has been granted in the past. The Board would like to research the previous variances that were granted.***

***A motion was made to table by Mr. Harold Knight and seconded by Mr. Joseph Waskiewicz. The Board would like information on the past approvals.***

***Condition(s): None***

***Result: Unanimous***

**PV24 - DAN SCOTT - 30 MIDDLESEX ROAD - STONEHAM**

The Petitioner (Micah Nelson) sought a post installation variance from 248 CMR 3.00 to utilize a non-product accepted tub. The Petitioner indicates that the tub was installed after the rough plumbing was completed and taking out this tub now would require the removal of the bathroom door, the tub's trim, the tiled shower and its glass enclosure. The Petitioner notes that the tub is not anti-skid, so he proposes to coat the tub with an after-market, anti-slip product. The Stoneham Board of Health was properly petitioned.

***Meeting Notes: The tub does not have an anti-slip bottom. The plumber agreed to apply an aftermarket anti-slip.***

***A motion was made to approve by Mr. Harold Knight and seconded by Mr. John Cruz***

***Condition(s): install anti-slip***

***Result: Unanimous***

**PV25-ALLIUM MARKET - 1330 BEACON STREET - BROOKLINE**

The Petitioner (Adrianna Weir) sought a variance from 248 CMR 10.10(18)(b) to utilize a single unisex handicapped accessible bathroom to be utilized for a store which includes 19 seats for customers. The Petitioner anticipates up to 29 people, which includes customers and employees, may utilize this bathroom. Finally, the Petitioner notes that core facilities in the building are not accessible without considerable expense. The Brookline Board of Health was properly petitioned.

***Meeting Notes: The space is 1700 square feet***

***A motion was made to approve by Mr. Joseph Waskiewicz and seconded by Ms. Ruth Alfasso***

***Condition(s): None***

***Result: Unanimous***

**PV26 - STEVE LUBY - 40 NORFOLK ROAD - BROOKLINE**

The Petitioner (Robert Macchi) sought a variance from 248 CMR 3.00 to utilize a custom made concrete sink for use in a mud room bath. The Brookline Board of Health was properly petitioned.

***Meeting Notes: The sink is 30" wide and 8" deep. It is a concrete precast sink which has an epoxy mixed in the concrete.***

***A motion was made to approve by Mr. Harold Knight and seconded by Mr. John Cruz***

***Condition(s): None***

***Result: unanimous***

**FYI – Board Delegated Staff Approvals – Board Vote Not Required**

**Full Authorization for operation of unlisted gas equipment.**

**DAGV 220-Home Market Foods 140 Morgan Drive, Norwood (Alkar Smoker)**

**DAGV 168-US Tsubaki Automotive LLC 106 Lonczak drive Chicopee (Three Rotary Retort Furnaces)**

**THE BOARD CONSIDERED ANY MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR**

*Mr. Marc Zade addressed the Board representing Southeastern Technical Institute. He indicated that due to a last minute instructor loss, his school would like to utilize a journeyman plumber, which is usually barred by 248 CMR 11.05(2), to teach a tier 2 class that is to start on September 11. Mr. Zade indicated that he had a difficult time replacing his instructor due to the last minute. Legal Counsel noted that the code was written to explicitly bar journeyman instructors. It was further noted that the proposed instructor, Robert Cabral, did not attend the Board meeting. The members generally agreed that a temporary extension would be appropriate to assist the school. Mr. Zade indicated that the instructor would be seeking to get his master license as soon as possible.*

*A motion was made to permit the non-master instructor to teach a tier 2 class until the next meeting by Mr. Dan Kilburn and seconded by Mr. Joseph Waskiewicz.*

*Conditions: Further extensions would need to be requested at regular meetings of the Board  
The result was Unanimous*

*Mr. Richard Carter addressed the Board and asked the Chair if a \$100.00 fine will now be the norm for a Master Plumber who has unlicensed people working for them. The Board members addressed Mr. Carter and noted that every case is different, in this case, a major mitigating factor existed, a violation was self-disclosed.*

*No formal action*

**ADJOURNMENT**

**MOTION TO ADJOURN** at 10:00 by Mr. Harold Knight and seconded by Mr. Daniel Kilburn

**LIST OF DOCUMENTS USED:**

1. Meeting agenda
2. Minutes from prior meeting
3. Variance applications for above referenced agenda items

Respectfully Submitted By;

Frederick M. Lima, State Investigator/Inspector  
For the Board of Examiners of Plumbers and Gasfitters

Respectfully Authorized by;

Chairman  
Board of Examiners of Plumbers and Gasfitters